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17328

Patent Application



THE UNITED STATES PATENT AND TRADEMARK OFFICE



17398 U.S. PTO
Appl. of: Jonathan S. Stinson

Art Group: 1732

Serial No.: 09/843,425 (Prior Appl.)

Examiner: Leo B. Tentoni
(Prior Appl.)

Serial No.: (New Appl.)

Docket No. 23,369-165

Filed: April 13, 2004

For: Bioabsorbable Self-Expanding Stent



TRANSMITTAL

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed for filing are the following items:

1. Request for Divisional Application Under 37 CFR 1.53(b) (5 pages);
2. Divisional Application, consisting of 33 pages of specification; 5 pages of claims; 1 page of abstract and 16 sheets of formal drawings;
3. Copy of Declaration (signed) filed in original application;
4. Copy of Power of Attorney in prior application;
5. Statement Regarding Divisional Application (2 pages);
6. Check in the amount of \$950.00; and
7. Return Receipt Post Card.

Statement of incorporation by reference - MPEP Section 201.06(c): The subject matter of prior application Serial No. 09/843,425 is hereby incorporated by reference in the present application.

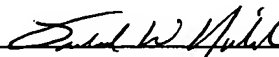
Please charge any further fees necessitated by this correspondence, or refund any overpayment, to Deposit Account 12-0449.

Please direct any questions or comments to Frederick W. Niebuhr at 952-896-1574.

Respectfully submitted,

Boston Scientific Scimed, Inc.

Dated: April 13, 2004

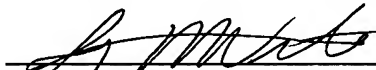
By: 
Frederick W. Niebuhr
Reg. No. 27,717

Customer No. 23,452

CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Transmittal and accompanying Request for Divisional Application, divisional application entitled "Bioabsorbable Self-Expanding Stent" including 33 pages of specification, 5 pages of claims, 1 page of abstract and 16 formal drawing sheets, copy of Declaration, copy of Power of Attorney, Statement Regarding Divisional Application, and check in the amount of \$950.00 in payment of the filing fee, are being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

Date of Deposit: April 13, 2004


Geraldyn M. Vita

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Appl. of: Jonathan S. Stinson

Art Group: 1732

Serial No.: 09/843,425 (Prior Appl.)

Examiner: Leo B. Tentoni (Prior Appl.)

Serial No.: (New Appl.)

Atty. Docket: 23,369-165

Filed: April 13, 2004

For: Bioabsorbable Self-Expanding Stent

REQUEST FOR DIVISIONAL APPLICATION UNDER 37 CFR 1.53(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request under 37 CFR 1.53(b) for filing of a Divisional Application pursuant to 35 U.S.C. § 121 of copending prior application Serial No. 09/843,425, filed April 25, 2001.

A. Application in the form intended for publication

The accompanying divisional application includes the following items:

specification (amended) – 33 pages;
claims (including new claims) - 5 pages;
abstract - 1 page;
formal drawings - 16 sheets; and
declaration and power of attorney - 2 pages.

This application does not contain any subject matter that would have been new matter in prior application Serial No. 09/843,425, which application is incorporated by reference in this application. A copy of prior application Serial No. 09/843,425 is not enclosed.

B. Amendments

The prior application is amended by canceling original claims 1-29, and by adding new claims 30-59. Accordingly, the filing fee is calculated based upon claims 30-59.

C. Title

1. The title of the prior application is:

Process For Making Bioabsorbable Self-Expanding Stent

2. The title of this application is:

Bioabsorbable Self-Expanding Stent

D. Identification of Inventors

1. The name and correspondence address of each original inventor:

Jonathan S. Stinson
14815 Fourth Avenue North
Plymouth, Minnesota 55447

2. Name and current correspondence address of each present inventor:

Jonathan S. Stinson
14815 Fourth Avenue North
Plymouth, Minnesota 55447

E. Inventorship

This application discloses and claims only subject matter disclosed in the prior application.

The inventorship in this application is the same as in the prior application.

F. Waiver of Confidentiality

It is understood that confidentiality under 35 U.S.C. 122 is hereby waived to the extent that permitted access to any one of the applications in the file wrapper of a continuing application, be it either this application or a prior application in the same file wrapper, results in similar access to all the other applications in the same file wrapper.

G. Declaration

A copy of a Declaration and Power of Attorney is enclosed. See item A above.

H. Small Entity Status

Not applicable.

I. Formal Drawings

Figs. 1-18 of formal drawings are submitted herewith.

J. Fee Calculation

CLAIMS FOR FEE CALCULATION

Basic Fee	\$770.00
Number of independent claims, minus 3 = 0 times \$86.00	.00
Total number of claims in excess of 20 = 10 times \$18.00	<u>180.00</u>
Total Filing Fee	\$950.00

K. Fee Payment

A check in the amount of \$950.00 is enclosed to cover the filing fee.

L. Authorization Regarding Fees

The Commissioner is hereby authorized to charge any additional fees listed in 37 CFR 1.16 and 1.17 which may be required by this Rule 53 filing, or credit any overpayment, to Deposit Account No. 12-0449.

M. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

Not applicable.

N. Priority - 35 U.S.C. 119

Not applicable.

O. Reference to Prior Application(s) - 35 U.S.C. 120

Amend the specification by inserting before the first line, the sentence: -- This is a divisional of copending application Serial No. 09/843,425, filed April 25, 2001 as a divisional of application Serial No. 08/904,467, filed August 1, 1997 (now U.S. Patent No. 6,245,103). --

See Item S below as to copendency.

P. Assignment

An assignment of the original application was recorded in the Patent and Trademark Office August 1, 1997 on Reel 8657 beginning at Frame 0563.

Q. Power of Attorney

1. The most recent Power of Attorney in the prior application was filed May 13, 1999, appointing: Luke R. Dohmen, Registration No. 36,783; Peter J. Gafner, Registration No. 36,517; Robert M. Rauker, Registration No. 40,782; Todd P. Messal, Registration No. 42,883; David L. Cavanaugh, Registration No. 36,476; Patricia LaMarche-Davis, Registration No. 37,866; Mark J. Casey, Registration No. 37,796; and William J. Shaw, Registration No. 43,111; and further appointing Frederick W. Niebuhr, Registration No. 27,717; John F. Klos, Registration No. 37,162; and Andrew D. Ryan, Registration No. 39,351 as attorneys/agents to prosecute the application and transact all business in the U.S. Patent and Trademark Office connected therewith.

A copy of this Power of Attorney is enclosed herewith.

2. Direct all future communications regarding this application to:

Frederick W. Niebuhr
Registration No. 27,717

Customer No. 23,452

Telephone No. (952) 896-1574

R. Petition for Extension of Time in Prior Application

Not applicable.

S. Copendency of Applications

The prior application has been allowed and the issue fee has been paid.

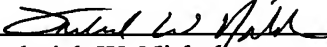
The prior application is expected to issue in due course. Please assign to this divisional application a filing date to insure its copendency with the prior application.

T. Information Disclosure Statement

No Information Disclosure Statement is being filed at this time.

Respectfully Submitted,
Boston Scientific Scimed, Inc.

Dated: April 13, 2004

By: 
Frederick W. Niebuhr
Reg. No. 27,717

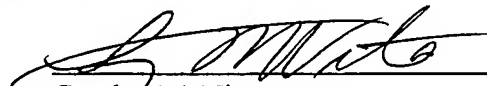
Customer No. 23,452

Direct Telephone: (952) 896-1574

CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Request for Divisional Application Under 37 C.F.R. 1.53(b) (of application Serial No. 09/843,425) and accompanying papers including application text (39 pages), 16 sheets of formal drawings, declaration (copy), power of attorney (copy) and Statement Regarding Divisional Application, are being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

Date of Deposit: April 13, 2004


Geraldyn M. Vita

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Patent Application

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Jonathan S. Stinson

Art Group: 1732

Serial No.: 09/843,425 (Prior Appl.)

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(Prior Appl.)

Serial No.: (New Appl.)

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For: Bioabsorbable Self-Expanding Stent

STATEMENT REGARDING DIVISIONAL APPLICATION

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests examination of the enclosed application submitted in the form preferred for publication, including specification, claims, abstract and drawings. The enclosed application incorporates the following amendments of the prior application:

In the Specification:

On the first page, the title is changed to "Bioabsorbable Self-Expanding Stent."

On the first page, after the title, the following additional paragraph is inserted:

-- This is a divisional of copending application Serial No. 09/843,425,
filed April 25, 2001 as a divisional of application Serial 08/904,467 filed
August 1, 1997 (now U.S. Patent No. 6,245,103).--

On page 13, in line 13, the reference character "15" is added.

On page 31: a sentence regarding extension 45 is inserted, at line 2; a sentence regarding tip 31 is inserted at line 10; and a sentence regarding holes 59 is inserted at line 16.

On page 32 at the top, a paragraph is inserted regarding figure 11.

On page 33, the specification has been amended at lines 5, 10, and 15 to identify by number the U.S. patents corresponding to the U.S. patent applications identified in the prior application.

On page 40, the title is changed to "Bioabsorbable Self-Expanding Stent."

In the Claims:

Claims 1-29 are cancelled.

Claims 30-59 are added.

REMARKS

The foregoing amendments to the specification correspond to similar amendments made to the specification in prior application Serial No. 09/843,425.


The formal drawings are the same as those submitted in the prior application.

Consideration of claims 30-59 on the merits is respectfully requested.

Respectfully submitted,

Boston Scientific Scimed, Inc.

Dated: April 13, 2004

By: 
Frederick W. Niebuhr
Reg. No. 27,717

Customer No. 23,452

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GERALYN M. VITA